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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00292-CW
)	
Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
v.)	HEARING DATE TO JULY 28, 2010 AND
)	TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND PROPOSED
RAMON POWELL,)	ORDER
)	
Defendant.)	
)	Hearing Date: June 24, 2010
)	Time: 10:00 a.m.

The above-captioned matter is set on June 24, 2010 before this Court for a status hearing. The parties jointly request that the Court continue the matter to July 28, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between June 24, 2010 and July 28, 2010.

On April 15, 2010, the Grand Jury charged Mr. Powell with possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). If convicted, Mr. Powell faces a statutory maximum of 40 years and a mandatory minimum sentence of five years.

The current status of the case is that the parties are negotiating this matter and anticipate that there will be a negotiated disposition of the case. If there is a negotiated disposition, the parties plan to submit a proposed plea agreement to the Court at least two days in advance of the

1 requested hearing date. In the meantime, the government has produced discovery to the defense
2 and defense counsel needs additional time to review and process the discovery provided. The
3 defense also requires additional time to complete its investigation of the circumstances of the
4 offense and to assess and confirm Mr. Powell's Guidelines range.

5 The requested continuance will allow the defense to complete its review of the discovery,
6 to investigate the underlying facts of the case, and to research and to confirm Mr. Powell's
7 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
8 would unreasonably deny counsel for defendant the reasonable time necessary for effective
9 preparation, taking into account the exercise of due diligence.

10 The parties further stipulate and agree that the ends of justice served by this continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
12 parties agree that the period of time from June 24, 2010 to July 28, 2010, should be excluded in
13 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),
14 for effective preparation of defense counsel, taking into account the exercise of due diligence.

15
16 DATED: June 23, 2010

/S/
WADE RHYNE
Assistant United States Attorney

17
18
19 DATED: June 23, 2010

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

20
21 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
22 within this e-filed document.

/S/ ANGELA M. HANSEN

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of June 24, 2010 scheduled at 10:00 a.m. is vacated and reset for July 28, 2010, at 10:00 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from June 24, 2010 to July 28, 2010.

June 23, 2010



HON. DONNA M. RYU
United States Magistrate Judge